

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Nikita Dixon,

File No. 23-cv-3312 (ECT/DTS)

Petitioner,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Department of Corrections, Commissioner
Paul Schnell, Warden Tracy Beltz,

Respondents.

Magistrate Judge David T. Schultz issued a Report and Recommendation on November 16, 2023. ECF No. 7. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 7] is **ACCEPTED**;
2. Petitioner Nikita Dixon's Petition for Writ of Habeas Corpus [ECF No. 1] is **DENIED** as untimely; and
3. No certificate of appealability will be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 15, 2023

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court